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JAMES H. McKENNEY,

No. 435. October Term, 1906.

Supreme Court of the United States.

Robert M. Green, Plaintiff in Error and Plaintiff below,

vs.

Chicago, Burlington and Quincy Railway Company, Defendant in Error and Defendant below.

ERROR TO CIRCUIT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

MOTION TO ADVANCE UNDER RULE 32.

FRANK P. PRICHARD,
JOHN G. JOHNSON,
For Plaintiff in Error

Allen, Lane & Scott, Prs., Phila.

IN THE SUPREME COURT OF THE UNITED STATES.

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And now, October 8th, 1906, counsel for plaintiff in error moves the court to advance this case in accordance with Rule 32 of this court, the only question at issue being the jurisdiction of the court below.

The facts and objects of the motion are as follows:—

The suit was an action of trespass to recover damages for personal injuries. A writ of summons was issued and the marshal returned that the defendant corporation was doing business in the Eastern District of Pennsylvania and had an office there for such business and that he served the summons on the agent of the corporation at said office.

The defendant moved to set aside the service on the ground that it was not doing business in said district and that therefore the court had no jurisdiction.

Depositions were taken as to the nature and character of the office and agency maintained by defendant in said jurisdiction.

The court below set aside the service on the ground that the defendant was not doing business in the district and that therefore the court had no jurisdiction.

Plaintiff thereupon took this writ of error under Section 5 of the Act of March 3d, 1891, giving a writ of error direct to this court in cases where jurisdiction is at issue.

The only question at issue is the jurisdiction of the court below.

FRANK P. PRICHARD,
JOHN G. JOHNSON,
For Plaintiff in Error.